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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,390	08/21/2003	LaVar M. Grover	DMG0002	8098

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EXAMINER

LOWE, MICHAEL S

ART UNIT PAPER NUMBER

3652

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/645,390	Applicant(s) GROVER, LAVAR M.	
	Examiner M. Scott Lowe	Art Unit 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3,4,6,7,10,11,13,17-19,21,22,24,25,28,29,31, are rejected under 35 U.S.C. 103(a) as being unpatentable over Laurent (US 6,378,888) in view of Bumgarner (US 5,809,907) and Boisch (US 6,729,828).

Re claim 1, Laurent teaches a low ground pressure skid 10 for carrying heavy loads comprising:

- A. a frame 12 said frame having a bottom;
- B. a base panel 19 connected to said bottom of said frame;
- C. wherein said frame and said base panel reduce pressure and allow the skid to be moved;
- D. a bed 11 having a bed connection point 29,39;
- E. wherein said bed connection point is connected to one of the items selected from the group consisting of said frame 12 and said base panel 19;
- F. a tongue 21 having a tongue connection point 24 (etc.); and
- G. wherein said tongue connection point 24 (etc.) is connected to one of the items selected from the group consisting of said frame 12, said base panel 19, and said bed 11.

Laurent does not teach said base panel adapted to skid directly on the ground while hauling a load. However, Bumgarner (figure 6) teaches a base panel adapted to skid directly on the ground while hauling a load in order to make the skid more useful (column 2, lines 24-25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Laurent by the general teaching of Bumgarner to have the base panel adapted to skid directly on the ground while hauling a load in order to make the skid more useful and also to reduce the weight and cost (remove the wheels).

Laurent appears to teach (see figures) the base panel 19 fully covering the bottom of the frame 12 but does not explicitly state this. Boisch teaches the base panel 13 fully covering the bottom of the frame. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Laurent by Boisch to have the base panel fully covering the bottom of the frame in order to strengthen the frame and protect the rest of the skid from ground debris.

Re claims 3,4,21,22, Laurent teaches an end dump bed (figures 2-3).

Re claims 6,24, Laurent teaches the bed being a flat bed (top, bottom).

Re claims 7,25, Laurent teaches a sliding hook 24 (25).

Re claims 10,28, Laurent teaches a (relatively) quick hitch connector 21.

Re claims 11,29, Laurent teaches an angled frame outside wall.

Re claims 13,31, Laurent teaches a rectangular frame 12.

Re claim 17, Laurent teaches one or more base supports (see figures 1-4).

Re claim 18, Laurent teaches one or more bed supports (see figures 1-4).

Re claim 19, Laurent teaches a low ground pressure skid 10 for carrying heavy loads comprising:

- A. a frame 12 said frame having a bottom;
- B. a base panel 19 connected to said bottom of said frame;
- C. wherein said frame and said base panel reduce pressure and allow the skid to be moved;
- D. one or more base supports (see figures 1-4) connected to said frame 12 and said base panel 19;
- E. one or more bed supports (see figures 1-4) connected to said frame 12 and said base supports;
- F. a bed 11 connected to said one or more bed supports; and
- G. a tongue 21 having a tongue connection point 24 (etc.);
- H. wherein said tongue connection point is connected to one of the items selected from the group consisting of said frame, said base panel, and said bed.

Laurent does not teach said base panel adapted to skid directly on the ground while hauling a load. However, Bumgarner (figure 6) teaches a base panel adapted to skid directly on the ground while hauling a load in order to make the skid more useful (column 2, lines 24-25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Laurent by the general teaching of Bumgarner to have the base panel adapted to skid directly on the ground while hauling a load in order to make the skid more useful and also to reduce the weight and cost (remove the wheels).

Laurent appears to teach (see figures) the base panel 19 fully covering the bottom of the frame 12 but does not explicitly state this. Boisch teaches the base panel 13 fully covering the bottom of the frame. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Laurent by Boisch to have the base panel fully covering the bottom of the frame in order to strengthen the frame and protect the rest of the skid from ground debris.

Claims 2,8,20,26, are rejected under 35 U.S.C. 103(a) as being unpatentable over Laurent (US 6,378,888) in view of Bumgarner (US 5,809,907), Boisch (US 6,729,828) and further in view of Haggard (US 2,870,928).

Re claims 2,20, Laurent does not mention an adjustable tongue. However, Haggard teaches an adjustable tongue in order to lower the skid. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Laurent by the teaching of Haggard to have an adjustable tongue in order to lower the skid.

Re claims 8,26, Laurent does not mention a retractable wheel unit. However, Haggard teaches a retractable wheel unit in order to lower the skid. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Laurent by the teaching of Haggard to have a retractable wheel unit in order to lower the skid.

Claims 5,23, are rejected under 35 U.S.C. 103(a) as being unpatentable over Laurent (US 6,378,888) in view of Bumgarner (US 5,809,907), Boisch (US 6,729,828) and further in view of Banks (GB 2,169,248).

Re claims 5,23, Laurent teaches a dump bed but does not mention a side dump bed. Banks teaches a side dump bed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Laurent by the general teaching Banks to have a side dump bed in order to allow greater versatility in use.

Claims 9,27, are rejected under 35 U.S.C. 103(a) as being unpatentable over Laurent (US 6,378,888) in view of Bumgarner (US 5,809,907), Boisch (US 6,729,828) and further in view of van der Lely (US 4,362,340).

Re claim 9,27, Laurent does not mention a 3 point hitch connector. However, van der Lely teaches a 3 point hitch connector in order to allow connection to devices that have 3 point hitch connections. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Laurent by van der Lely to have a 3 point hitch connector in order to allow connection to devices that have 3 point hitch connections.

Claims 12,14,30,32, are rejected under 35 U.S.C. 103(a) as being unpatentable over Laurent (US 6,378,888) in view of Bumgarner (US 5,809,907), Boisch (US 6,729,828) and further in view of Bombardier (US 3,149,738).

Re claims 12,30, Laurent does not mention a curved outside frame wall. Bombardier teaches a curved outside frame wall 3. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Laurent by the general teaching of Bombardier to have a curved outside frame wall in order to enhance safety by not having sharp edges.

Re claims 14,32, Laurent does not mention an oval outside frame wall. Bombardier teaches an oval outside frame wall 3. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Laurent by the general teaching of Bombardier to have an oval outside frame wall in order to enhance safety by not having sharp edges.

Claims 15,33, are rejected under 35 U.S.C. 103(a) as being unpatentable over Laurent (US 6,378,888) in view of Bumgarner (US 5,809,907), Boisch (US 6,729,828) and further in view of Good (US 4,890,560).

Re claims 15,33, Laurent does not mention a circular outside frame wall. Good teaches a circular outside frame wall (see figures). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Laurent by the general teaching of Good to have a circular outside frame wall in order to enhance safety by not having sharp edges.

Claims 16,34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laurent (US 6,378,888) in view of Bumgarner (US 5,809,907) and Boisch (US 6,729,828).

Re claims 16,34, Laurent does not mention a square frame although Laurent does teach a rectangular frame which just an elongated square. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Laurent to have to have a square frame in order to allow the skid to fit into a smaller storage space.

Conclusion

Applicant's arguments filed 8/8/06 have been fully considered but they are not persuasive.

The affidavit filed on 8/8/06 under 37 CFR 1.131 has been considered but is ineffective to overcome the cited references.

The Laurent and Boisch references are both a statutory bar under 35 U.S.C. 102(b) and thus cannot be overcome by an affidavit or declaration under 37 CFR 1.131 (see MPEP section 715).

In addition, the evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the Laurent and Boisch references. While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and

their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897). Furthermore, the inventor does not state that he had the claimed invention prior to priority dates of the references.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Scott Lowe whose telephone number is (571) 272-6929. The examiner can normally be reached on 6:30am-4:30pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3652

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

msl


PATRICK MACKEY
PRIMARY EXAMINER